



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 22, 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mitchell L. Press
DuPont-Chambers Works
Building 654, Room 10
Route 130
Deepwater, NJ 08023

Dear Mr. Press

Mitch

This letter responds to your facsimile of November 30, 1998, as well as subsequent telephone conversations, in which you ask two questions concerning the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 reporting requirements. Specifically, your questions focus on reporting for Part II, Section 8 of the Form R.

In your facsimile you provide that Facility A transfers aqueous waste containing EPCRA section 313 chemicals, through a pipeline, to Facility B's biotreatment plant. Facility A knows that Facility B treats the EPCRA section 313 constituents with a biotreatment efficiency of 97%. Facility A also knows that the remaining 3% of the EPCRA section 313 chemicals are released from Facility B's wastewater treatment plant to a receiving stream. Facility B has a Clean Water Act discharge permit which addresses these specific EPCRA section 313 chemicals.

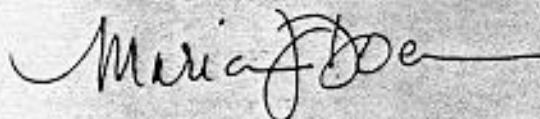
Based on these facts, you are asking if, in addition to reporting in Part II, Section 6.2, Facility A should also report all of the EPCRA section 313 chemicals in the aqueous waste in Part II, Section 8.7 (quantity treated off-site), or with regard to Section 8 should Facility A report 97% of the listed chemicals as treated off-site in Section 8.7 and 3% of the listed chemicals as released in Section 8.1 (quantity released)? In other words, does knowledge of the off-site treatment efficiency (which you believe is often not known by the transferring facility) make a difference for Facility A insofar as reporting under Section 8?

Facilities should use their best readily available data to provide information required by EPCRA section 313. Accordingly, if a facility has knowledge of the off-site treatment efficiency, as does the facility in your question, then that facility should report the percentage of the listed chemicals in the aqueous waste that is actually treated off-site in Section 8.7 and the percentage of the listed chemicals in the aqueous waste that is released off-site in Section 8.1. Based on your fact pattern, Facility A would report 97% of the listed chemicals in Section 8.7 and 3% in Section 8.1. If the facility does not have knowledge of the off-site treatment efficiency, then the facility should report in Section 8.7 the entire amount of the listed chemicals in the aqueous waste sent off-site for treatment.

In your second question you provide an example in which Facility A's aqueous waste only contains an EPCRA section 313 metal compound. The compound is removed in the biosludge at Facility B's wastewater treatment plant. You want to know if it is correct for Facility A to report the parent metal under Section 6.2 (off-site transfer) and Section 8.1 (quantity released) and for Facility B to count the metal compound received from off-site (and then disposed of in an on-site landfill) towards its otherwise use threshold and to report the parent metal as released in Section 8.1. Yes, both facilities should report under Section 8.1 because metals cannot be treated for destruction or used for energy recovery. Metals can only be released or recycled, and since the metals in this question are being placed in an on-site landfill, Section 8.1 (quantity released) is the appropriate section. The facility should keep in mind that for the metal compounds to be considered otherwise used the landfill into which the metal compounds are being disposed must be located on-site. Also, with regard to otherwise use threshold determinations in general, the facility should include the entire amount of the listed chemicals entering the treatment for destruction process, regardless of the efficiency rate of that process.

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Larry Reisman at 202.260.2301 or me at 202.260.9592.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria J. Doa".

Maria J. Doa, Ph.D., Chief
Toxics Release Inventory Branch